

KIRKLAND & ELLIS LLP
 MARK A. PALS, P.C. (*pro hac vice*)
 mpals@kirkland.com
 MARCUS E. SERNEL (*pro hac vice*)
 msernel@kirkland.com
 300 North La Salle
 Chicago, IL 60654
 (312)862-2000(o); (312)862-2200(f)

IRELL & MANELLA, LLP
 DAVID I. GINDLER (SBN 117824)
 dgindler@irell.com
 JOSEPH M. LIPNER (SBN 155735)
 jlipner@irell.com
 1800 Avenue of the Stars
 Los Angeles, CA 90067
 (310)277-1010(o); (310)203-7199(f)

DURIE TANGRI LLP
 DARALYN J. DURIE (SBN 169825)
 ddurie@durietangri.com
 MARK A. LEMLEY (SBN 155830)
 mlemley@durietangri.com
 217 Leidesdorff Street
 San Francisco, CA 94111
 Telephone: (415) 362-6666
 Facsimile: (415) 236-6300

Attorneys for Defendant
 CITY OF HOPE

Attorneys for Defendant GENENTECH, INC.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

CENTOCOR ORTHO BIOTECH, INC.,
 Plaintiff,

v.

GENENTECH, INC., and CITY OF
 HOPE,

Defendants.

GENENTECH, INC. AND CITY OF
 HOPE,

Counter-Plaintiffs,

v.

CENTOCOR ORTHO BIOTECH, INC.,
 Counter-Defendant,

AND

GLOBAL PHARMACEUTICAL
 SUPPLY GROUP, LLC, CENTOCOR
 BIOLOGICS, LLC, AND JOM
 PHARMACEUTICAL SERVICES, INC.,

Third-Party Defendants.

Case No. CV 08-03573 MRP (JEMx)

**DECLARATION OF AARON M.
 NATHAN IN SUPPORT OF
 DEFENDANTS GENENTECH, INC.
 AND CITY OF HOPE'S OPPOSITION
 TO PLAINTIFF'S *EX PARTE*
 APPLICATION TO COMPEL
 DISCLOSURE OF INAPPROPRIATELY
 WITHHELD INFORMATION**

Date: TBA
 Time: TBA
 Judge: Hon. Mariana R. Pfaelzer
 Ctrm: 12

1 I, Aaron M. Nathan, declare:

2 I am an associate attorney with the law firm of Durie Tangri LLP, counsel to
3 Defendant Genentech, Inc. ("Defendant"). The factual assertions made herein are made
4 of my personal knowledge and, if called upon to do so, I could and would testify
5 competently thereto.

6 1. Attached hereto as Exhibit A are a true and correct copies of Genentech's
7 privilege logs from the *MedImmune* litigation as produced in this litigation.

8 2. Attached hereto as Exhibit B is a true and correct copy of City of Hope's
9 privilege log from the *MedImmune* litigation as produced in this litigation.

10 3. Attached hereto as Exhibit C is a true and correct copy of Defendants'
11 supplemental privilege log of August 7, 2009.

12 4. Attached hereto as Exhibit D is a true and correct copy of Defendants'
13 supplemental privilege log of May 4, 2010.

14 5. On information and belief, Defendants have produced the following
15 documents: (1) A FedEx slip showing transmission of the document from Dr. Cabilly to
16 Genentech's attorneys; (2) a copy of the draft application and (3) the cover letter
17 accompanying the draft application with the addition of handwriting from Dr. Cabilly's
18 files noting that these were his copies of the original documents.

19 6. Attached hereto as Exhibit E is a true and correct copy of an excerpts from
20 the April 9, 2010 deposition transcript of Schmucl Cabilly taken herein.

21 7. On information and belief, Genentech produced the *Chiron* expert reports of
22 Deborah French, Richard Cote, Raymond Frackleton Jr., Mark I. Greene, William J.
23 Harris, Jeffrey P. Kushan, Tristram G. Parslow, Joyce Taylor-Papadimitriou, and Jay
24 Unkeless, as well as much of the trial transcript and certain deposition testimony.

25 8. Attached hereto as Exhibit F is a true and correct copy of Aleksander J.
26 Goranin's letter of Dec. 1, 2009 to Marcus E. Sernel.

10. Attached hereto as Exhibit H is a true and correct copy of an email from Steven Maslowski to Daralyn Durie dated April 29, 2010.

11. On information and belief, Genentech produced a copy of Dr. Sliwowski's rebuttal report from the *Chiron* litigation on April 29, 2010.

12. Attached hereto as Exhibit I is a true and correct copy of a letter dated February 25, 2010 from Matthew Pearson to Marcus Sernel.

13. On information and belief, Centocor produced trial transcripts from the *Abbott* litigation.

14. On information and belief, Centocor did not produce all deposition testimony from the *Abbott* litigation.

15. Attached hereto as Exhibit J is a true and correct copy of Genentech's response to Centocor's Interrogatory No. 4, which is an excerpt of Genentech, Inc.'s Responses and Objections to Centocor, Inc.'s first set of interrogatories.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed May 5, 2010, in San Francisco, California.

/s/ Aaron M. Nathan
AARON M. NATHAN

CERTIFICATE OF SERVICE

I certify that all counsel of record are being served on May 5, 2010 with a copy of this document via the Court's CM/ECF system.

Bruce G. Chapman, Esq.	bchapman@cblh.com
Keith D. Fraser, Esq.	kfraser@cblh.com
Dianne B. Elderkin, Esq.	delderkin@akingump.com
Barbara L. Mullin, Esq.	bmullin@akingump.com
Steven D. Maslowski, Esq.	smaslowski@akingump.com
Angela Verrecchio, Esq.	averrecchio@akingump.com
Matthew A. Pearson, Esq.	mpearson@akingump.com
Rubén H. Muñoz, Esq.	rmunoz@akingump.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 5, 2010, at San Francisco, California.

Margaret Ann Franz
Margaret Ann Franz